MONTANA LEGISLATIVE HISTORY

Chapter 293 19 85

Bill H 425 S _____ Original bill & history ___C

H. Committee on Local Govt		S. Committee on Local Govt	
Hearing Date(s) Feb 14	✓C	Hearing Date(s) Mar 6	✓C
_____	___C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out Feb 15	✓C	Mar 12	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

3/23 TRANSMITTED TO GOVERNOR
3/27 SIGNED BY GOVERNOR
CHAPTER NUMBER 248
EFFECTIVE DATE: 10/01/95

HB 425 INTRODUCED BY KEENAN

REQUIRE PAYMENT OF ALL TAXES ASSESSED AND LEVIED ON LAND BEFORE A FINAL SUBDIVISION PLAT IS APPROVED

2/03	INTRODUCED		
2/03	FIRST READING		
2/03	REFERRED TO LOCAL GOVERNMENT		
2/04	FISCAL NOTE REQUESTED		
2/07	FISCAL NOTE RECEIVED		
2/07	FISCAL NOTE PRINTED		
2/14	HEARING		
2/15	COMMITTEE REPORT—BILL PASSED		
2/17	2ND READING PASSED	96	2
2/18	3RD READING PASSED	97	2
	TRANSMITTED TO SENATE		
2/21	FIRST READING		
2/21	REFERRED TO LOCAL GOVERNMENT		
3/16	HEARING		
3/18	COMMITTEE REPORT—BILL CONCURRED		
3/25	2ND READING CONCURRED	48	0
3/27	3RD READING CONCURRED	48	1
	RETURNED TO HOUSE		
3/28	SIGNED BY SPEAKER		
3/28	SIGNED BY PRESIDENT		
3/29	TRANSMITTED TO GOVERNOR		
3/30	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 293		
	EFFECTIVE DATE: 10/01/95		

HB 426 INTRODUCED BY RANEY, ET AL.

PROVIDE A LONG-TERM PLAN FOR MONTANA

2/03 INTRODUCED
2/03 FIRST READING
2/03 REFERRED TO BUSINESS & LABOR
2/04 FISCAL NOTE REQUESTED
2/09 HEARING
2/10 FISCAL NOTE RECEIVED
2/14 FISCAL NOTE PRINTED
2/14 TABLED IN COMMITTEE
2/23 MISSED TRANSMITTAL DEADLINE
DIED IN COMMITTEE

HB 427 INTRODUCED BY RANEY

PROVIDE THAT THE STATE OF MONTANA AGGRESSIVELY HANDLE STATE AGENCY TRANSACTIONS ELECTRONICALLY

2/03 INTRODUCED
2/03 FIRST READING
2/03 REFERRED TO STATE ADMINISTRATION
2/04 FISCAL NOTE REQUESTED
2/09 HEARING
2/10 TABLED IN COMMITTEE
2/10 FISCAL NOTE RECEIVED
2/10 FISCAL NOTE PRINTED

House BILL NO. 425

INTRODUCED BY Keenan

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE PAYMENT OF ALL TAXES ASSESSED AND LEVIED ON LAND BEFORE A FINAL SUBDIVISION PLAT IS APPROVED; AND AMENDING SECTION 76-3-611, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-611, MCA, is amended to read:

"**76-3-611. Review of final plat.** (1) The governing body shall examine ~~every~~ each final subdivision plat and shall approve ~~it when and~~ the plat only ~~when~~ if:

(a) it conforms to the conditions of approval set forth on the preliminary plat and to the terms of this chapter and regulations adopted pursuant ~~thereto~~ to this chapter; and

(b) the county treasurer has certified that ~~no~~ all real property taxes and special assessments assessed and levied on the land to be subdivided ~~are delinquent~~ have been paid.

(2) (a) The governing body may require that final subdivision plats and certificates of survey be reviewed for errors and omissions in calculation or drafting by an examining land surveyor before recording with the county clerk and recorder. When the survey data shown on the plat or certificate of survey meets the conditions ~~set forth by or~~ pursuant to this chapter, the examining land surveyor shall ~~so~~ certify the compliance in a printed or stamped certificate on the plat or certificate of survey. ~~Such~~ The certificate ~~shall~~ must be signed by ~~him~~ the surveyor.

(b) ~~No~~ A land surveyor ~~shall~~ may not act as an examining land surveyor in regard to a plat or certificate of survey in which ~~he~~ the surveyor has a financial or personal interest."

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0425, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring the payment of all taxes assessed and levied on land before a final subdivision plat is approved.

FISCAL IMPACT:

This proposal has no impact on state expenditures or revenues.

EFFECT ON LOCAL REVENUES:

There might be some very slight increases in local revenues associated with this proposal.

Dave Lewis 2-7-95

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

BOB KEENAN, PRIMARY SPONSOR DATE
Fiscal Note for HB0425, as introduced

HB 425

Bill Rappold, Chairman, Board of Commissioners, Pondera County, said they have a combined hospital and nursing home. He attested this legislation is long overdue and urged a do pass.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor:

The sponsor closed saying this bill would help further the ability for a county to construct facilities such as a doctor's office next to a hospital and lease it to the physicians.

HEARING ON HB 425

Opening Statement by Sponsor:

REP. BOB KEENAN, HD 75, Bigfork, stated he is carrying this bill for county treasurers requiring payment of property taxes before final approval of a subdivision plat.

Proponents' Testimony:

Cort Harrington, County Treasurers Association, said in 1993 the legislature passed what became Chapter 366. He explained some of the changes in this bill and the purpose of certain language.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor: The sponsor closed.

HEARING ON HB 438

Opening Statement by Sponsor:

REP. MATT BRAINARD, HD 62, Missoula, made his opening remarks, stating this bill is an act requiring a city to obtain approval of annexation by a majority vote of the electors of the city. This is an attempt to clear up many of the annexation problems. **REP. BRAINARD** explained the code on annexation to form a municipality and the controversy when unincorporated areas become annexed.

{Tape: 1; Side: B;}

REP. DENNY explained his reason for moving the amendment to this bill. **Mr. Campbell** said **REP. SQUIRES** told him she did not want anything in the amendment about the distance from the main sewer line.

EXECUTIVE ACTION ON HB 398

Motion: REP. WYATT MOVED HB 398 DO NOT PASS. REP. BERGMAN MOVED TO TABLE HB 398.

Discussion: CHAIRMAN BOHARSKI asked if anyone wanted to say anything before **REP. BERGMAN** moved to table this bill. The answer was no.

Vote: Motion carried 14-4 with REPS. DENNY, MCCULLOCH, BRAINARD, and CHAIRMAN BOHARSKI Voting no.

EXECUTIVE ACTION ON HB 417

Motion: REP. MILLS MOVED HB 417 DO PASS.

Discussion: REP. BERGMAN said the city is the one who really has to approve another city judge and this gives them the opportunity to do it. **REP. MILLS** responded yes, it is purely enabling legislation.

(Tape: 2; Side: B.)

Vote: Motion carried unanimously.

EXECUTIVE ACTION ON HB 421

Motion/Vote: REP. EWER MOVED HB 421 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON HB 425

Motion/Vote: REP. KEENAN MOVED HB 425 DO PASS. Motion carried 17-1 with REP. SHEA voting no.

EXECUTIVE ACTION ON HB 438

Motion: REP. BRAINARD MOVED HB 438 DO PASS.

Discussion: REP. BRAINARD addressed **REP. MILLS** and said in the previous voting, Billings clearly annexed more then their judge could handle. **REP. MILLS** responded said that could be right but it could also allow trucks driving through.

HOUSE OF REPRESENTATIVES

Local Government

ROLL CALL DATE 2-14-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bill Boharski, Chairman	✓		
Rep. Jack Herron, Vice Chairman, Majority	✓		
Rep. David Ewer, Vice Chairman, Minority	✓		
Rep. Chris Ahner	✓		
Rep. Shiell Anderson	✓		
Rep. Ellen Bergman	✓		
Rep. John Bohlinger	✓		
Rep. Matt Brainard	✓		
Rep. Matt Denny	✓		
Rep. Rose Forbes	✓		
Rep. Toni Hagener	✓		
Rep. Bob Keenan	✓		
Rep. Linda McCulloch	✓		
Rep. Jeanette McKee	✓		
Rep. Norm Mills	✓		
Rep. Debbie Shea	✓		
Rep. Joe Tropila	✓		
Rep. Diana Wyatt	✓		

HOUSE STANDING COMMITTEE REPORT

February 15, 1995

Mr. Speaker: We, the committee on **Local Government** report that **House Bill 425** (first reading copy -- white) **do pass.**

Signed: Wm E Boharski

Bill Boharski, Chair

Committee Vote:
Yes 12, No 1.

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preliminary work and it would cost them around $50,000 and it would be a business decision every city would have to make.

Closing by Sponsor:

REP. MILLS responded to **SEN. WELDON'S** question in that the people of Great Falls contacted him and thought they would need this postponed to be able to budget. He said HB 417 would do a lot to help the cities of Montana and it was a matter of local control that he urged the committee to vote for.

HEARING ON HB 425

Opening Statement by Sponsor:

REP. BOB KEENAN, HD 75, Big Fork, said that HB 425 was bringing a statute that was overlooked in 1993. He was sponsoring HB 425 for the County Treasurers Association. The statutes amended in 1993 were 76-3-207 section 3, 7-4-2613 section 1(b), and 70-21-213.

Proponents' Testimony:

Cort Harrington, Montana County Treasurers Association, stated the HB 425 amended 76-3-611 to bring it in compliance with the bill mentioned by the sponsor in 1993. The major change was on line 16 where the taxes on subdivided land are not paid and it used to say if taxes were delinquent. The reason to precipitate the change last session was that land was sometimes subdivided and the plat would be filed between the time the first and second half taxes were due. When the parcels are separated, each parcel received a different parcel number and in the second half when taxes were due a certain parcel would get left unpaid. HB 425 was intended to correct a situation where a developer may not pay on a certain parcel and eight years down the road, the new owners find out there are delinquent taxes.

Opponents' Testimony:

Lance Clark, Montana Association of Realtors, presented written testimony on behalf of the Association and Bill Spilker **(EXHIBIT 3)**.

Questions From Committee Members and Responses:

SEN. DELWYN GAGE asked what was meant by assessed and levied? **Mr. Morris** answered that special assessments were like special improvement district assessments against property and he assumed that the opponent to the bill was understanding was that the special assessments would have to be paid to the point where they would be fully cancelled and that was not the intent of the bill.

SEN. GAGE asked **Mr. Clark** if he had language that would clarify that as long as they were paid for the current tax year, the plat should be recorded? **Mr. Clark** said that language would clarify the problem but he would communicate with their lead lobbyist. **Mr. Harrington** also responded to the question and stated that line 16 was the guts of the bill and all the other changes were made by Legislative Council and were intended to be style and drafting changes to make the language consistent. There was no intent to require all special assessments to be paid to the end of the line. The only difference would be if a person tried to file a plat between November 30 and May 31, they would have to pay the May 31 payment ahead of time. He said if there was a concern about adding the special assessments, he would prefer they strike the language.

SEN. ETHEL HARDING commented that she had talked to the Lake County Treasurer and she said the bill was to bring delinquent taxes up to date and if the bill did not read that way it would need to be changed.

SEN. GAGE said he felt the bill's intent was if you filed a plat between January and May, the May payment would not be delinquent yet. What they wanted to say was before you can file the plat, you must pay your May payment.

Closing by Sponsor:

REP. KEENAN closed.

EXECUTIVE ACTION ON HB 417

Motion/Vote: **SEN. WELDON MOVED HB 417 BE CONCURRED IN.**

Discussion:

SEN. HARGROVE questioned that it would take an act to allow a city to appoint another judge. **Ms. Fox** said that by the terminology "an elected or appointed city judge" she felt it was the understanding that there were doors. **Mayor Larsen** said the law says they had the opportunity to appoint or elect one city judge.

Vote: **THE MOTION CARRIED UNANIMOUSLY.**

HEARING ON HB 530

Opening Statement by Sponsor:

REP. BILL WISEMAN, HD 41, Great Falls, presented HB 530 which was an act implementing the recommendation of the Governor's Task Force to Renew Montana Government by creating an alternative

EXECUTIVE ACTION ON HB 425

Motion/Vote: **SEN. HARDING MOVED HB 425 BE CONCURRED IN. THE MOTION CARRIED UNANIMOUSLY.**

EXECUTIVE ACTION ON HB 530

Discussion:

SEN. WELDON said that the amendments passed out looked correct.

Ms. Fox said there were the second amendments passed out which talked about using the word method. She said it was not complicated but method was used 71 times in the bill.

SEN. GAGE said he did not feel it was a big deal and did not need to be changed.

Motion/Vote: **SEN. ECK MOVED TO ADOPT THE AMENDMENTS TO HB 530. THE MOTION CARRIED UNANIMOUSLY.**

Motion: **SEN. ECK MOVED HB 530 BE CONCURRED IN AS AMENDED.**

Discussion:

SEN. HARGROVE asked if all the things in the fiscal note had been addressed? **Ms. Fox** said they appeared to have been addressed in the House.

Vote: **THE MOTION CARRIED UNANIMOUSLY.**

EXECUTIVE ACTION ON HB 249

Motion/Vote: **SEN. ECK MOVED HB 249 BE CONCURRED IN. THE MOTION CARRIED UNANIMOUSLY.**

EXECUTIVE ACTION ON HB 289

Discussion:

CHAIRMAN BECK said he thought the Public Service Commission supported the bill.

SEN. LYNCH was concerned that if utilities were raised more than 12% there should be some type of hearing.

SEN. ECK said they would have to have a hearing because a resolution would be needed for the increase.

MONTANA SENATE
1995 LEGISLATURE
LOCAL GOVERNMENT COMMITTEE

ROLL CALL DATE 3-16-95

NAME	PRESENT	ABSENT	EXCUSED
DOROTHY ECK	✓		
SHARON ESTRADA	✓		
DELWYN GAGE	✓		
DON HARGROVE	✓		
J. D. LYNCH	✓		
JEFF WELDON	✓		
ETHEL HARDING, VICE CHAIRMAN	✓		
TOM BECK, CHAIRMAN	✓		

SEN:1995
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DATE March 16, 1995

SENATE COMMITTEE ON LOCAL GOVERNMENT

BILLS BEING HEARD TODAY: HB 393 HB 417
HB 425 HB 530

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Name	Representing	Bill No.	Check One: Support	Oppose
HORACE BROWN	MISSOULA CO.	393	✓	
Jim Logan	Billings-Yell. Co.	393		
Cort Harrington	Mont County Treas.	HB 425	✓	
Tim Magee	City of Great Falls	HB 530	✓	
Newell Anderson	Dept of Commerce	HB 530	✓	
Richard Larsen Mayor	City of Billings	HB 417	✓	
W James Kembel	City of Billings	HB530	✓	
Dave Ashley	Dept of Administration	HB530	✓	
Lance Clark	MT Assoc. REALTORS	425		X
Lance Clark	" "	393	X	
Ed Blackman	Gallatin Co.	530	X	
Blake Wordal	Lewis & Clark Co	393	✓	
Ed Blackman	Gallatin Co.	~~393~~ 417	✓	
Bill Kennedy	Yellowstone Co.	393	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

SENATE STANDING COMMITTEE REPORT

March 17, 1995

MR. PRESIDENT:

We, your committee on Local Government having had under consideration HB 425 (third reading copy -- blue), respectfully report that HB 425 be concurred in.

Signed: Sen Tom Beck
Senator Tom Beck, Chair

Amd. Coord.
SR Sec. of Senate

Sen. Harding
Senator Carrying Bill

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